

**STATE ACTIONS BANNING MTBE (STATEWIDE)**

<b>State/ Region</b>	<b>Phaseout date (in chron. order)</b>	<b>Complete or partial ban?</b>	<b>Applies to other oxygenates?</b>	<b>Date of adoption</b>
<b>IA (7)</b>	7/1/00 (probably)	Partial: no more than trace amounts (0.5% by vol.) MTBE in motor vehicle fuel.	MTBE only	5/11/00 Replaced previous limit of 2% (vol.)
<b>MN (5)</b>	7/2/00 (p) 7/2/05 (c)	Partial/then complete: no more than 1/3 of 1% oxygenate as of 7/2/00; complete ban as of 7/2/05.	MTBE, ETBE, and TAME	Early '00
<b>NE (7)</b>	7/13/00	Partial: no more than 1% (vol.) MTBE in any petroleum product.	MTBE only	4/11/00
<b>SD (8)</b>	7/1/01	Partial: no more than trace amounts (less than 0.5% vol.) resulting from commingling during storage or transfer.	MTBE only	2/28/01 Replaced previous limit of 2% (vol.)
<b>CO (8)</b>	4/30/02	Complete ban by 4/30/02.	MTBE only	5/23/00
<b>CA (9)</b>	originally 12/31/02; delayed to 12/31/03	Complete ban by 12/31/02, but latest Exec. Order requires CARB to implement by 7/31/02 a one-year delay in ban. On 7/25/02, CARB delayed the ban by 1 year.	MTBE only	10/9/99 (Orig. E.O. issued 3/25/99; latest E.O. issued 3/15/02)
<b>MI (5)</b>	6/1/03	Complete ban by 6/1/03; can be extended if determined by 6/1/02 that phaseout date is not achievable.	MTBE only	6/26/00
<b>CT (1)</b>	1/1/04	Complete ban by 1/1/04, planned in conjunction with NESCAUM regional fuels task force.	MTBE only	6/1/00 (Orig. date 10/1/03; extended to 1/1/04, 6/18/03)
<b>NY (2)</b>	1/1/04	Complete ban as of 1/1/04.	MTBE only	5/24/00
<b>WA (10)</b>	1/1/04	Partial: may not be intentionally added to fuel, or knowingly mixed in gasoline above 0.6% (vol.)	MTBE only	5/10/01

<b>KS (7)</b>	7/1/04	Partial: may not sell or deliver any motor vehicle fuel containing more than 0.5% (vol.) MTBE	MTBE only	4/19/01
<b>IL (5)</b>	7/24/04	Partial: may not use, sell or manufacture MTBE as a fuel additive, but may sell motor fuel containing trace amounts of MTBE (0.5% or less by volume)	MTBE only	7/24/01 (original ban) revised 6/24/02 to allow trace amounts
<b>IN (5)</b>	7/24/04	Partial: no more than 0.5% (vol.) MTBE in gasoline	MTBE only	3/14/02
<b>OH (5)</b>	7/1/05	Partial: no more than 0.5% (vol.) MTBE in motor vehicle fuels	MTBE only	5/29/02
<b>MO (7)</b>	7/31/05	Partial: no more than 0.5% (vol.) MTBE in gasoline sold or stored	MTBE only	7/11/02
<b>KY (4)</b>	1/1/06	Partial: no more than trace amounts of MTBE in fuel after this date	MTBE only	4/23/02

#### **NOTES:**

(1) **ME** Gov. signed legislation, 4/14/00, setting goal of eliminating MTBE in gasoline by 1/1/03.

(2) Oxygenated Fuels Ass'n (OFA) has challenged **NY** and **CA** bans in court. Status of these lawsuits is as follows:

- **NY:** On May 18, 2001, the U.S. District Court for the Northern District of NY denied OFA's motion for summary judgment in the lawsuit challenging the NY ban, which results in the case having to be tried. A summary judgment in favor of OFA would have been a ruling against the ban. [Needs updating for appellate court results.]
- **CA:** On September 4, 2001, the U.S. District Court in Sacramento granted the State's motion to dismiss, ruling that the federal CAA does not prohibit the State's action to phaseout MTBE. [Needs updating for appellate court results.]

(3) **NH** Gov. signed legislation, 7/01, directing the NH Dep't. of Environmental Services to "limit to the greatest extent practicable" MTBE in gasoline, provided that fuel meeting such limit is "readily available....at a reasonable price." NH DES has no imminent plan to set such a limit.

(4) **AZ** adopted legislation on 4/28/00 calling for a complete phaseout of MTBE as soon as feasible but in no event later than 6 months after California's phaseout. This legislation expired on June 30, 2001, so it is no longer official state policy although the state informally still encourages phaseout of MTBE.